the plaintiff's sawmill was forced to remain idle. The only notice of this consequence was such as might be inferred from the character of the machine itself. *Held*, that the defendant is liable for the consequent loss of profits. *Story Lumber Co.* v. *So. Ry. Co.*, 65 S. E. 460 (N. C.).

A defendant is liable not only for the natural or usual consequences of a breach of contract, but also for such special damages as the parties ougnt reasonably to have contemplated. *Hadley* v. *Baxendale*, 9 Exch. 341; *Devlin* v. *The Mayor*, 63 N. Y. 8. In other words "natural consequences" for which one is liable are those which the parties with their actual knowledge ought reasonably to have apprehended. See SEDGWICK, DAMAGES, 8 ed., § 153. It is never necessary for the parties actually to foresee the consequences. See 19 HARV. L. REV. 531. Hence a defendant need be informed only of such special facts as would constitute notice to a reasonable man. Such notice may be given by an explicit statement or by some act or circumstance from which the average man would infer the existence of the special facts. *Simpson* v. *London & N. W. Ry.*, 1 Q. B. D. 274. The character of the goods alone may be enough. Thus by their very nature, theatrical properties may afford notice to a carrier that delay in transportation will prevent a theatrical performance. *Weston* v. *Ry.*, 190 Mass. 298. But as a question of fact, it is doubtful whether a carrier of machinery ought to infer that it is intended for immediate use, for as often as not, machinery is ordered to anticipate future needs. See *Thomas, etc., Mfg. Co.* v. *Ry.*, 62 Wis. 642.

DAMAGES — MEASURE OF DAMAGES — INJURY FROM FRIGHT ACCOMPANIED BY CONTACT. — A few drops of melted lead were negligently cast on the plaintiff by a slight explosion. The fright produced so affected her that she suffered three miscarriages within the next few months. *Held*, that she cannot recover for the fright or its consequences. *Hack* v. *Dady*, 118 N. Y. Supp. 906 (Sup. Ct., App. Div.).

For bodily injury caused by fright unaccompanied by physical contact, a claim for damages is not usually allowed. *Spade* v. *Lynn & Boston R. R. Co.*, 168 Mass. 285. Although such a claim is logically unimpeachable, the rule against recovery is laid down because of the supposed impracticability of otherwise overthrowing numerous trumped-up suits. *Mitchell* v. *Rochester Ry. Co.*, 151 N. Y. 107. Where the reality of the cause is proved by visible injury from actual contact, it is unfair to press this arbitrary rule at the expense of meritorious claimants. The doctrine of the principal case would exclude fright or its consequences as a basis for damages in any ordinary action for negligence, and is against the decided weight of authority. *Lofink* v. *Interborough Rapid Transit Co.*, 102 N. Y. App. Div. 275; *Homans* v. *Boston Elevated Ry. Co.*, 180 Mass. 456.

DOMICILE — INTENTION REQUISITE TO EFFECT CHANGE — FOREIGNER IN CHINESE TREATY PORT. — One born in Maine went to Shanghai as a youth and remained until his death about forty years later. *Held*, that his will should be admitted to probate in the United States consular court in Shanghai. *Mather* v. *Cunningham*, 3 Am. Journ. Int. L. 752 (Me., Sup. Ct., Apr. 15, 1909). See NOTES, p. 211.

EQUITY — JURISDICTION — PREVENTION OF MULTIPLICITY OF ACTIONS. — The plaintiff brought a bill in equity joining A and B as defendants. The bill alleged that the plaintiff owned a lot fifty feet wide, that A owned a lot on one side and B owned a lot on the other side of the plaintiff's lot, that all three claimed under a common grantor, that A and B had erected buildings on their lots, that these buildings were less than fifty feet apart, but that the plaintiff's surveyors could not agree as to which defendant was encroaching. The bill prayed for a determination of the encroachment and a decree for the removal of the encroaching building and damages. *Held*, that the bill is not demurrable. *Caleo* v. *Goldstein*, 118 N. Y. Supp. 859 (Sup. Ct., App. Div.).

Equity pleading commonly allows several defendants to be joined in a single bill for the purpose of quieting the plaintiff's title or preventing a multiplicity of suits upon the same question. *Bryan* v. *Bryan*, 61 N. J. Eq. 45; *Board of Supervisors* v. *Deyoe*, 77 N. Y. 219. There must ordinarily be a community of interest among the several defendants in every question of law and of fact involved in the controversy. *Cf. Wyman* v. *Bowman*, 127 Fed. 257, 262. The jurisdiction is somewhat elastic, however, depending upon the exigencies of the plaintiff's situation. See *Hale* v. *Allinson*, 188 U. S. 56, 77. Thus where the need is urgent, a large number of separate claims arising out of the same general transaction, but differing in respect to good faith, may be determined in a single suit. *New York & New Haven R. R.* v. *Shuyler*, 17 N. Y. 592. But the present case presents no common question of law or of fact in respect to the two defendants. It does not state a sufficient cause of action against either, since consistently with the allegations of the bill the common grantor may have been the only wrongdoer. And clearly the purpose of preventing a multiplicity of suits cannot create a cause of action where none exists separately. *Roland Park Co.* v. *Hull*, 92 Md. 301.

FEDERAL COURTS — JURISDICTION BASED ON DIVERSITY OF CITIZENSHIP — POWER OF REMOVAL WHEN ALIEN SUES CITIZEN OF ANOTHER STATE. — An Act of Congress gives the circuit courts concurrent jurisdiction with the state courts over suits involving more than $2,000 between citizens of a state and aliens, with a provision that the suit must be brought in the district where the defendant resides. ACT OF AUG. 13, 1888; U. S. COMP. ST. (1901), 508. An alien brought an action against an Illinois corporation in an Iowa state court. The defendant had the suit removed to the Circuit Court for the Northern District of Iowa, and the plaintiff moved to have it remanded. *Held*, that the motion to remand should be denied. *Barlow* v. *Chicago & N. W. Ry. Co.*, 172 Fed. 513 (Circ. Ct., N. D. Ia.).

A recent decision in another district reached the opposite result: *Mahopoulus* v. *Chicago, R. I. & P. Ry. Co.*, 167 Fed. 165. But an earlier decision decided the point in accord with the principal case without discussion. *Uhle* v. *Burnham*, 42 Fed. 1. It is well settled that no suit can be removed over which the federal court would not have original jurisdiction. *Cochran* v. *Montgomery Co.*, 199 U. S. 260. The provision that the suit must be brought in the district where the defendant resides, applies to actions brought by aliens against citizens of a state. *Galveston, etc. Railway* v. *Gonzales*, 151 U. S. 496. But it has been held manifestly inapplicable to actions brought by citizens of a state against aliens. *Case of Hohorst*, 150 U. S. 653. This provision, however, has been interpreted as not affecting the general jurisdiction of the courts, but as being in the nature of an exemption in favor of the defendant which he may waive. *Ex parte Schollenberger*, 96 U. S. 369, 378; *In re Keasbey & Mattison Co.*, 160 U. S. 221, 229. See 21 HARV. L. REV. 630. In view of the authorities, therefore, the principal case can be supported, as the federal court might have taken original jurisdiction of the suit with the consent of the defendant. It is submitted, however, that this construction of the statute is somewhat bold, since the jurisdiction of the circuit courts is confined to cases where it has been expressly conferred by Congress. *United States* v. *Hudson*, 7 Cranch (U. S.) 32.

FEDERAL COURTS — RELATIONS OF STATE AND FEDERAL COURTS — EQUITY JURISDICTION OVER WILLS. — The plaintiff brought a bill in equity in the federal court, asking (1) that a certain legacy be declared lapsed and be paid to the plaintiff, and (2) that the defendant executor render an account of the entire estate. The requirement as to diversity of citizenship was satisfied. *Held*, that the court has jurisdiction as to the first prayer but not as to the second. *Waterman* v. *Canal-Louisiana Bank*, U. S. Sup. Ct., Nov. 8, 1909.

Over matters relating strictly to the probate of a will the federal courts in